



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Ex parte application of

: **Confirmation No. 1112**

Edwin SOUTHERN

: Attorney Docket No. 2004_0200

Serial No. 10/772,467

: Group Art Unit 1631

Filed February 6, 2004

: Examiner A. Skibinsky

ANALYZING POLYNUCLEOTIDE
SEQUENCES

Mail Stop: AF

RULE 56 STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

Pursuant to the provisions of 37 CFR 1.56, Applicant hereby discloses the documents listed on attached forms PTO-1449. A legible copy of each document is enclosed, except a copy is not provided for each U.S. Patent and U.S. Patent application publication.

The documents have been cited by third party requestors in five Ex parte Reexaminations of parent patents 6,054,270 and 5,700,637, now pending, as well as other documents cited by the requestors directly to the patentee outside of the reexaminations. Certain arguments set forth by the third party requestors are limited to the patentability of the method claims of the patents. Thus it is respectfully submitted that they are irrelevant to the patentability of the pending product claims.

Respectfully submitted,

Edwin SOUTHERN

By Warren M. Cheek
Warren M. Cheek
Registration No. 33,367
Attorney for Applicant

WMC/dlk
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
November 20, 2007